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Attorneys for Defendants AMERICAN HOME ASSURANCE COMPANY and INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

PLANTRONICS, INC., a Delaware corporation,,

Plaintiff,

v.

AMERICAN HOME ASSURANCE COMPANY, a New York corporation; THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA, a Pennsylvania corporation; ATLANTIC MUTUAL INSURANCE COMPANY, a New York corporation,,

Defendants.

) CASE NO. C07-06038 PVT

) **STATEMENT OF NON-OPPOSITION,**
) **AND OBJECTION, TO PLAINTIFF'S**
) **MOTION TO STAY BY DEFENDANTS**
) **AMERICAN HOME ASSURANCE**
) **COMPANY and INSURANCE COMPANY**
) **OF THE STATE OF PENNSYLVANIA**

) Date: March 18, 2008

) Time: 10:00 a.m.

) Place: Courtroom 5

) Trial Date: None set

) The Hon. Patricia V. Trumbull

Defendants AMERICAN HOME ASSURANCE COMPANY ("AHAC") and INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA ("ICSOP") hereby give notice that they do not intend to file an opposition to plaintiff PLANTRONICS., INC.'s Motion to Stay Proceedings.

AHAC and ICSOP object, however, to PLANTRONICS's statement in its Reply In Support Of Motion To Stay Proceedings, that AHAC and ICSOP "do not oppose a stay of this action" (Reply, at 1:6-7), to the extent PLANTRONICS intends to imply to the Court that AHAC

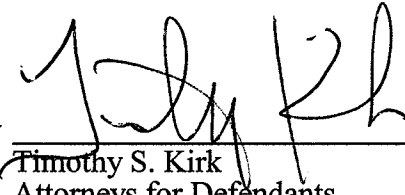
1 and ICSOP believe that the action in fact should be stayed, or that AHAC and ICSOP dispute
2 defendant ATLANTIC MUTUAL INSURANCE COMPANY's arguments in opposition to
3 PLANTRONICS's contention that this coverage action should be stayed pending resolution of the
4 underlying litigation. AHAC and ICSOP have taken no position with regard to this motion and
5 object to any implication by PLANTRONICS that their non-opposition is in any way a tacit
6 agreement with PLANTRONICS in this regard.

7
8 DATED: March 4, 2008

Respectfully submitted,

9 LEWIS BRISBOIS BISGAARD & SMITH LLP

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11
12 By



13 Timothy S. Kirk
14 Attorneys for Defendants
15 AMERICAN HOME ASSURANCE COMPANY and
16 INSURANCE COMPANY OF THE STATE OF
17 PENNSYLVANIA
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